

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,  
Plaintiff,

v.

R. MORENO, et al.,  
Defendants.

Case No. 1:21-cv-00327-ADA-EPG (PC)

ORDER FOLLOWING DISCOVERY  
DISPUTE HEARING HELD ON NOVEMBER  
10, 2022

(ECF Nos. 74, 77, 86, 87, & 102)

On November 10, 2022, the Court held a discovery dispute hearing. Plaintiff telephonically appeared on his own behalf. Counsel C. Hay-Mie Cho, Joseph Railey, and Chad Stegeman telephonically appeared on behalf of Defendants. Counsel Lucas Hennes telephonically appeared on behalf of third parties North Kern State Prison and California Department of Corrections and Rehabilitation Archives Unit.

After reviewing the filings by the parties and hearing oral arguments, and for the reasons stated on the record, IT IS ORDERED that:<sup>1</sup>

1. Defendants' motion to compel Plaintiff's deposition (ECF No. 74) is GRANTED, and Plaintiff is required to submit to a deposition.
2. Plaintiff's motion for a protective order/request for stay of deposition (ECF No. 77) is GRANTED in part and DENIED in part.
  - a. Plaintiff's objections regarding timing and not having received certain

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<sup>1</sup> The Court also addressed Plaintiff's motion to compel production of documents (ECF No. 92), which involved, in part, an objection based on the official information privilege. The Court will issue a separate order addressing this motion to compel.

documents are overruled.

b. Defense counsel may question Plaintiff regarding Plaintiff's commitment offense itself, the duration of the sentence related to Plaintiff's commitment offense, and the Rules Violation Report related to the incident at issue in this case.

c. In all other respects, Plaintiff's request for a protective order is granted. Questioning of Plaintiff during his deposition should not go into further detail regarding Plaintiff's criminal history, history of arrests, or unrelated Rules Violation Reports.

3. Plaintiff's motion to compel answers to admissions from defendant Moreno (ECF No. 86) is GRANTED in part and DENIED in part.

a. As to defendant Moreno's supplemental response to request for admission No. 12, Plaintiff's motion is granted insofar as, within thirty days, defendant Moreno must specify, as he did on the record, that he conducted a reasonable inquiry, that he located no such documents, and that to his knowledge there were no other searches.

b. As to defendant Moreno's supplemental response to request for admission No. 14, Plaintiff's motion is granted in that, within thirty days, defendant Moreno may supplement and/or clarify the response.

c. As to defendant Moreno's supplemental response to request for admission No. 24, Plaintiff's motion is granted in that, within thirty days, defendant Moreno must specify the efforts that were undertaken and what was (or was not) found.

d. As to defendant Moreno's supplemental response to request for admission No. 25, Plaintiff's motion is denied.

e. In all other respects, Plaintiff's motion is denied.

4. Plaintiff's motion to compel defendant Dohs to respond to interrogatories and verify his responses (ECF No. 87) is GRANTED in part and DENIED in part.

- a. As to defendant Dohs' response to Plaintiff's first set of interrogatories, interrogatory No. 9, Plaintiff's motion is denied.
  - b. As to defendant Dohs' response to Plaintiff's first set of interrogatories, interrogatory No. 10, Plaintiff's motion is denied.
  - c. As to defendant Dohs' response to Plaintiff's second set of interrogatories, interrogatory No. 1, Plaintiff's motion is denied.
  - d. As to defendant Dohs' response to Plaintiff's second set of interrogatories, interrogatory No. 4, Plaintiff's motion is granted. Defendant Dohs has thirty days to respond to this interrogatory.
  - e. As to defendant Dohs' response to Plaintiff's second set of interrogatories, interrogatory No. 5, Plaintiff's motion is granted. Defendant Dohs has thirty days to respond to this interrogatory.
  - f. As to defendant Dohs' response to Plaintiff's second set of interrogatories, interrogatory No. 11, Plaintiff's motion is denied.
  - g. As to Plaintiff's request that defendant Dohs be required to verify his responses, as defendant Dohs has now done so, Plaintiff's request is denied as moot.
  - h. As to Plaintiff's request for sanctions for failing to verify his responses, it is denied because defendant Dohs responded by verifying his responses and Plaintiff has not presented any evidence of sanctionable conduct.
  - i. As to Plaintiff's request for expenses, it is denied.
5. Plaintiff's motion to compel defendant Valencia to respond to interrogatories and verify his responses (ECF No. 102) is GRANTED in part and DENIED in part.
- a. As to defendant Valencia's response to Plaintiff's first set of interrogatories, interrogatory No. 6, Plaintiff's motion is denied.
  - b. As to defendant Valencia's response to Plaintiff's first set of interrogatories, interrogatory No. 16, Plaintiff's motion is denied.
  - c. As to defendant Valencia's response to Plaintiff's first set of

interrogatories, interrogatory No. 17, Plaintiff's motion is granted.

Defendant Valencia has thirty days to respond to this interrogatory.

d. As to Plaintiff's request that defendant Valencia be required to verify his responses, as defendant Valencia has now done so, Plaintiff's request is denied as moot.

6. A further conference to discuss outstanding discovery disputes will be held on November 16, 2022, at 1:30 p.m. To appear telephonically, each party is to use the following dial-in number and passcode: Dial-in number 1-888-251-2909; Passcode 1024453. Plaintiff's institution of confinement shall make Plaintiff available for the conference at the date and time indicated above. Prior to the conference, defense counsel shall confirm with Plaintiff's institution of confinement that arrangements have been made for Plaintiff's attendance.

IT IS SO ORDERED.

Dated: November 15, 2022

/s/ Eric P. Goss  
UNITED STATES MAGISTRATE JUDGE